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09/986,248	11/08/2001	William Russell Belknap	SVL920010059US1/A8506	5036
46159 7590 01/30/2009 SUGHRUE MION PLLC USPTO CUSTOMER NO WITH IBM/SVL 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037				
EXAMINER				
BONSHOCK, DENNIS G				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
01/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM RUSSELL BELKNAP
and STEVEN VICTOR KAUFFMAN

Application No. 09/986,248
Technology Center: 2100

Mailed: January 30, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

This application was received electronically at the Board of Patent Appeals and Interferences on January 12, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF/GROUNDS OF REJECTION

On July 2, 2008, appellants filed an Appeal Brief. A review of the file reveals that under the Argument Section, states that Claims 1-3, 6-10, 13-15, 18-23, 25-29 and 34-36 are listed as being rejected under 35 U.S.C. § 103(a)....., which is not consistent as amended in the Amendment filed February 7, 2008. An Advisory Action filed by the examiner on April 29, 2008, states that the amendments would be entered. The amendment filed February 7, 2008 canceled claim 6. Appropriate correction is required, for clarification of the record,

A Supplemental Appeal Brief is required for the claims appendix.

EXAMINER'S ANSWER/GROUNDS OF REJECTION

Also, the Examiner's Answer mailed October 6, 2008 is defective, since it states under the Grounds of Rejection that Claims 1-3, 6-10, 13-15, 18-23, 25-29 and 34-36 as being rejected under 35 U.S.C. § 103(a)..... The amendment filed February 7, 2008 canceled claim 6. Appropriate correction is required, for clarification of the record,

REPLY BRIEF

On December 8, 2008, applicants filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

CONCLUSION

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) 1) to hold the Appeal Brief filed July 2, 2008, defective;
- 2) notify appellants to file a Supplemental Appeal Brief with a the correct information for the claims under the Argument section of the Appeal Brief;
- 3) consider the Supplemental Appeal Brief and if the Supplemental Appeal Brief is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplement Brief;
- 4) vacate the Examiner's Answer mailed October 6, 2008, and mail a supplemental Examiner's Answer with the correct information for the claims under the Grounds of Rejection;
- 5) for consideration and proper response to the Reply Brief filed December 8, 2008, and

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6) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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